

**From:** Eric Nichols  
**To:** Microsoft ATR  
**Date:** 1/23/02 2:06pm  
**Subject:** Microsoft Settlement

To whom it may concern:

I recently found out that the DOJ is considering opinions from the public regarding the Microsoft anti-trust case. I have reviewed the documents related to the case. Frankly, I was shocked and dismayed by what I read. I have identified numerous serious concerns which MUST be addressed before any final settlement can take place.

To me, it appears as if the US Department of Justice has allowed Microsoft to write it's own settlement. I find it difficult to believe that any judge or lawyer who knows anything at all about the computer software industry could have agreed to these terms. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the "authenticity and viability of its business". Not only does this wording blatantly leave room for abuse of the Microsoft monopoly, but it even goes so far as to place Microsoft in charge of deciding who is an authentic/viable business. This is comparable to letting a fox guard the hen house. This is never a good thing, it will always come back to bite you somewhere down the road... just look at what happened with Enron.

"The overall result is that the proposed settlement, which (make no mistake about it) would grant Microsoft its operating system monopoly, contains, statements which say that it would no longer be illegal for Microsoft to maintain its monopoly, while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is a travesty, an ill-advised embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice."<sup>1</sup>

Thank you for taking the time to read my opinion,

Sincerely,

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<sup>1</sup> Dennis Powell - LinuxPlanet.com

